

BILL NO. G-73-09-15

GENERAL ORDINANCE NO. G-~~73~~ 28-73

An Ordinance amending Sections 4, 6 and 10 of the Subdivision Control Ordinance of the City of Fort Wayne, Indiana, to transfer enforcement of the Subdivision Control Ordinance from the Building Commissioner to a Zoning Enforcement Officer to be designated by the Plan Commission.

WHEREAS, on January 1, 1974, the City-County Building and Minimum Housing Department of Allen County will go into operation and the office of Building Commissioner of the City of Fort Wayne will be eliminated, and,

WHEREAS, the enforcement of the Fort Wayne Subdivision Control Ordinance will not be a function of the joint City-County Building and Minimum Housing Department of Allen County, and,

WHEREAS, enforcement of said Ordinance is now most desirably a function of the Plan Commission of the City of Fort Wayne, and this function should, therefore, be transferred to a Zoning Enforcement Officer to be designated by the Plan Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. Section 4 of Chapter 28A of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended, is hereby amended to read as follows:

Section 4. Enforcement of Chapter Generally.

It shall be the duty of the Zoning Enforcement Officer to enforce the provisions of this chapter in the manner and form and with the powers provided by this chapter and any and all other provisions of this Code and as provided in the laws of the State of Indiana.

SECTION 2. Section 6 of Chapter 28A of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended, is hereby amended to read in part as follows:

Section 6. Violation Declared to be a Nuisance; Enforcement by Injunctive Procedure.

The erection, construction, enlargement, conversion, moving or maintenance of any structure, and the use

of any land or structure which is continued, operated, or maintained contrary to any provision of this chapter, is hereby declared to be a nuisance and in violation of this chapter and unlawful. The Plan Commission by its Zoning Enforcement Officer may institute a suit for injunction in the Circuit Court or any Superior Court of the County to restrain any person or governmental unit from violating any provision of this chapter and to cause such violation to be prevented, abated, or removed. Such action may also be instituted by any property owner who may be especially damaged by the violation of any provision of this chapter. The remedies provided for by this section and any other provision of this Code shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

SECTION 3. Section 10 of Chapter 28A of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended, is hereby amended to read in part as follows:

Section 10. Same - Prerequisites to Approval Generally.

(2) (B)

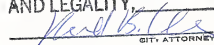
- (5) A protective covenant running with the land and enforceable by the City or by any aggrieved lot owner in the subdivision which shall provide that for any lot or tract located within the subdivision may be used and occupied, such user or occupier shall first obtain from the Zoning Enforcement Officer of the City the improvement location permit required by Chapter 36, the issuance of which shall be subject to as an additional condition precedent thereof, either

SECTION 4. If any part, parts, section, sections, provision, clause or portion of this Ordinance shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Ordinance as a whole or of any other part, section, clause, provision, or portion of this Ordinance.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.

  
\_\_\_\_\_  
Councilman

APPROVED AS TO FORM  
AND LEGALITY.

  
\_\_\_\_\_  
CITY ATTORNEY

Read the first time in full and on motion by Nuckols, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: 9-11-73

Charles W. Westerman  
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, placed on its passage. Passed (LOST) by the following vote:

	AYES <u>8</u>	NAYS _____	ABSTAINED _____	ABSENT _____	to-wit:
BURNS	<u>✓</u>	_____	_____	_____	_____
HINGA	<u>✓</u>	_____	_____	_____	_____
KRAUS	<u>✓</u>	_____	_____	_____	_____
MOSES	_____	_____	_____	_____	<u>✓</u>
NUCKOLS	<u>✓</u>	_____	_____	_____	_____
SCHMIDT, D.	<u>✓</u>	_____	_____	_____	_____
SCHMIDT, V.	<u>✓</u>	_____	_____	_____	_____
STIER	<u>✓</u>	_____	_____	_____	_____
TALARICO	<u>✓</u>	_____	_____	_____	_____

DATE: 11-13-73

Charles W. Westerman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. 5-28-73 on the 13th day of November, 1973.

ATTEST: (SEAL)

Charles W. Westerman  
CITY CLERK

James A. Jones  
PRESIDENT OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of November, 1973, at the hour of \_\_\_\_\_ o'clock A. M., E.S.T.

Charles W. Westerman  
CITY CLERK

Approved and signed by me this 14th day of November, 1973, at the hour of 4:00 o'clock P. M., E.S.T.

James A. Jones  
MAYOR

RESOLUTION OF SUBDIVISION CONTROL TEXT AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on September 11, 1973, referred a proposed Subdivision Control text amendment to the City Plan Commission which proposed ordinance was designated as Bill No. G-73-09-15; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

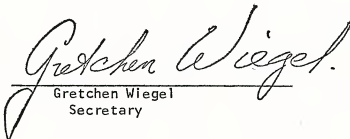
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 15, 1973;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Text of the Subdivision Control Ordinance to be amended and the amendment will be in the best interest of and benefit to the City of Fort Wayne;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held October 15, 1973.

Certified and signed this  
22nd day of October, 1973.

  
Gretchen Wiegel  
Secretary

Bill No. G-73-09-15

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance  
amending Sections 4, 6, and 10 of the Subdivision Control  
Ordinance of the City of Fort Wayne, Indiana, to transfer  
enforcement of the Subdivision Control Ordinance from the  
Building Commissioner to a Zoning Enforcement Officer to be  
designated by the Plan Commission.

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance PASS.

John Nuckols - Chairman

Vivian G. Schmidt - Vice-Chairman

William T. Hinga

Paul M. Burns

Donald J. Schmidt

CONCURRED IN

DATE 11-13-73

CHARLES W. WESTERMAN, CITY CLERK

DIGEST SHEET

B-73-09-15

TITLE OF ORDINANCE Subdivision Control Ordinance AmendmentDEPARTMENT REQUESTING ORDINANCE City Plan CommissionSYNOPSIS OF ORDINANCE An ordinance amending Sections 4, 6, and 10 of theSubdivision Control Ordinance of the City of Fort Wayne, Indiana, to transfer  
enforcement of the Subdivision Control Ordinance from the BuildingCommissioner to a Zoning Enforcement Officer to be designated by the  
Plan Commission.EFFECT OF PASSAGE The Plan Commission would have control of enforcing  
the Subdivision Control OrdinanceEFFECT OF NON-PASSAGE The enforcing authority would remain with the  
Building CommissionerMONEY INVOLVED (Direct Costs, Expenditures, Savings) noneASSIGNED TO COMMITTEE (J.N.) Reg



CITY OF FORT WAYNE  
CITY-COUNTY BUILDING  
ONE EAST MAIN STREET  
FORT WAYNE, INDIANA 46802

CHARLES W. WESTERMAN  
CITY CLERK

November 20, 1973

Miss Helen Libbing  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of November 23 and November 30, 1973, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for the Common Council  
of Fort Wayne, Indiana -  
General Ordinance No. G-28-73  
Subdivision Control Ord. from the  
Building Commissioner to a Zoning  
Enforcement Officer

General Ordinance No. G-27-73  
to transfer enforcement of the  
Zoning Ordinance from the Building  
Commissioner to the Zoning Enforcement  
Officer to be designated by  
the Plan Commission.

Please send us four (4) copies of the Publisher's Affidavit from each newspaper.

Thank you.

Sincerely,

  
Charles W. Westerman  
City Clerk

CWW/ne  
ENCL: 2

PUBLISHER'S AFFIDAVIT

State of Indiana }  
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned A. M. Hostman who, being duly sworn, says that She is Clerk of the

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time the dates of publication being as follows:

November 23 & 30, 1973

Subscribed and sworn to before me this 30th day of November 19 73

Notary Public

My commission expires March 6th, 1974

Notice is hereby given that on the 13th day of November, 1973, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-28-73, G-28-73 General Ordinance, to-wit:

BILL NO. G-28-73  
GENERAL ORDINANCE NO. G-28-73  
An Ordinance amending Sections 4, 6 and 10 of the Subdivision Control Ordinance of the City of Fort Wayne, Indiana, to transfer enforcement of the Subdivision Control Ordinance from the Building Commissioner to a Zoning Enforcement Officer to be designated by the Plan Commission.

Whereas, on January 1, 1974, the City-County Building and Planning Department of Allen County will go into operation and the office of Building Commissioner of the City of Fort Wayne will be eliminated, and

Whereas, the enforcement of the Fort Wayne Subdivision Control Ordinance will not be a function of the Joint City-County Building and Planning Department of Allen County, and

Whereas, enforcement of said Ordinance is now most desirably a function of the Plan Commission of the City of Fort Wayne, and this function should, therefore, be transferred to a Zoning Enforcement Officer to be designated by the Plan Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA,

SECTION 1. Section 4 of Chapter 28A of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended, is hereby amended to read as follows:

Section 4. Enforcement of Chapter General.

It shall be the duty of the Zoning Enforcement Officer to enforce the provisions of this chapter in the manner and form and with the powers provided by this chapter and any and all other provisions of this Code and as provided in the laws of the State of Indiana.

SECTION 2. of Chapter 28A of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended, is hereby amended to read in part as follows:

Section 6 Violation Declared to be a Nuisance; Enforcement by Injunctive Process.

The erection, construction, enlargement, conversion, moving or maintenance of any structure, and the use of any land or structure which is confined, operated, or maintained contrary to any provision of this chapter, is hereby declared to be a nuisance and in violation of this chapter and unlawful. The Plan Commission by its Zoning Enforcement Officer may institute a suit for injunction in the Circuit Court or any Superior Court of the County to restrain any person or governmental unit from violating any provision of this chapter and to cause such violation to be prevented, abated, or removed. Such action may also be instituted by any property owner who may be especially damaged by the violation of any provision of this chapter. The remedies provided for by this section and any other provision of this Code shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

SECTION 3. Section 10 of Chapter 28A of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended, is hereby amended to read in part as follows:

Section 10. Same - Prerequisites to Approval Generally.

(2) (b).  
(3) A protective covenant running with the land and enforceable by the City or by any aggrieved lot owner in the subdivision which shall provide that for any lot or tract located within the subdivision may be used and occupied, such user or occupier shall first obtain from the Zoning Enforcement Officer of the City the improvement location permit required by Chapter 36, the issuance of which shall be subject to an additional condition precedent thereof, either

SECTION 4. If any part, parts, section, sections, provision, clause or portion of this Ordinance shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Ordinance as a whole or of any other part, section, clause, provision, or portion of this Ordinance.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.

JOHN NUCKOLS,  
Councilman,

Read the third time in full and on motion by Nuckols, seconded by Hingo, and duly adopted, placed on its passage, PASSED by the following vote:

Ayes: Elgin, Hingo, Kraus, Nuckols, D. Schmidt, V. Schmidt, Sier, Talarico.  
Nays: None  
Absent: One  
Moses

Date: 11-13-73

CHARLES W. WESTERMAN,  
City Clerk.

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-28-73 on the 13th day of November, 1973.

ATTEST: ISEAL  
CHARLES W. WESTERMAN,  
City Clerk.

SAMUEL J. TALARICO,  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of November, 1973, at the hour of 10:00 o'clock A.M., E.S.T.

CHARLES W. WESTERMAN,  
City Clerk.

Approved and signed by me this 14th day of November, 1973, at the hour of 4:00 P.M., E.S.T.

IVAN A. LEBAMOFF,  
Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-28-73 passed by the Common Council on the 13th day of November, 1973, and that said Ordinance was duly signed and approved by the Mayor on the 14th day of November, 1973 and now remains on file and on record in my office.

Witness my hand, and the official seal of the City of Fort Wayne, Indiana, this 14th day of November, 1973.

CHARLES W. WESTERMAN,  
City Clerk.



Common Council, City of Fort Wayne  
(Governmental Unit)

To.....NEWS-SENTINEL.....Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

## COMPUTATION OF CHARGES

175 lines, 1 columns wide equals equivalent lines at 288 cents per line

\$ 50.40

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) (2)

1.00

TOTAL AMOUNT OF CLAIM

\$ 52.40

## DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5 1/2 point

Number of insertions two

Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

A. M. Hostman

Date 11-30-73, 19

Title Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned A. M. Hostman who, being duly sworn, says that she is Clerk of the NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time, the dates of publication being as follows:

November 23 &amp; 30, 1973

Subscribed and sworn to before me this 30th day of November 1973

Notary Public

My commission expires March 31, 1974

Ordinance shall be void and of no effect if unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Ordinance as a whole or of any other part, section, clause, provision, or portion of this Ordinance. SECTION 5. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.

JOHN NUCKOLS,

Councilman.

Read the third time in full and on motion by Nuckols, seconded by Hingo, and duly adopted, placed on its passage, PASSED by the following vote:

Ayes: Eight  
B. R. F. Hingo, Kraus, Nuckols, D. Schmidt, V. Schmidt, Sifer, Talarico.  
Nays: None  
Absent: One  
Moses

Date: 11-13-73

CHARLES W. WESTERMAN,

City Clerk.

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-28-73 on the 13th day of November, 1973.

ATTEST:

CHARLES W. WESTERMAN,

City Clerk.

SAMUEL J. TALARICO

Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of November, 1973, at the hour of 10:00 o'clock A.M., E.S.T.

CHARLES W. WESTERMAN,

City Clerk.

Approved and signed by me this 14th day of November, 1973, at the hour of 4:00 P.M., E.S.T.

IVAN A. LEBAMOFF,

Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a true and complete copy of General Ordinance No. G-28-73 passed by the Common Council on the 13th day of November, 1973, and that said Ordinance was duly signed and approved by the Mayor on the 14th day of November, 1973 and now remains on file and on record in my office.

Witness my hand, and the official seal of the City of Fort Wayne, Indiana, this 14th day of November, 1973.

CHARLES W. WESTERMAN,

City Clerk.

Common Council, City Fort Wayne  
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

1

Body number of lines

173

Tail number of lines

2

Total number of lines in notice

175

## COMPUTATION OF CHARGES

175 lines, 1 columns wide equals 2884 equivalent lines at 2884 cents per line

\$ 50.40

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) (2)

1.00

TOTAL AMOUNT OF CLAIM

\$ 51.40

## DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5 1/2 pointNumber of insertions twoSize of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date 11-30-73, 19Title CLERK

## PUBLISHER'S AFFIDAVIT

Notice is hereby given that on the 13th day of November, 1973, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-28-73, G-28-73 General Ordinance, to-wit:

BILL NO. G-28-73-05

GENERAL ORDINANCE NO. G-28-73 An Ordinance amending Sections 4, 6 and 10 of the Subdivision Control Ordinance of the City of Fort Wayne, Indiana, to transfer enforcement of the Subdivision Control Ordinance from the Building Commissioner to a Zoning Enforcement Officer to be designated by the Plan Commission.

Whereas, on January 1, 1974, the City-County Building and Minimum Housing Department of Allen County will go into operation and the office of Building Commissioner of the City of Fort Wayne will be eliminated, and

Whereas, the enforcement of the Fort Wayne Subdivision Control Ordinance will not be a function of the Joint City-County Building and Minimum Housing Department of Allen County, and

Whereas, enforcement of said Ordinance is now most desirably a function of the Plan Commission of the City of Fort Wayne, and this function should, therefore, be transferred to a Zoning Enforcement Officer to be designated by the Plan Commission

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, SECTION 1, Section 4 of Chapter 28A of the Municipal Code of the City of Fort

Wayne, Indiana, 1946, as amended, is hereby amended to read as follows:

Section 4. Enforcement of Chapter Generally. It shall be the duty of the Zoning Enforcement Officer to enforce the provisions of this Code and as provided in the laws of the State of Indiana.

SECTION 2, of Chapter 28A of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended, is hereby amended to read in part as follows:

Section 6. Violation Declared to be a Nuisance. Enforcement by Injunctive Procedure.

The erection, construction, enlargement, conversion, moving or maintenance of any structure, and the use of any land or structure which is continued, operates, or maintained contrary to any provision of this chapter, is hereby declared to be a nuisance and in violation of this chapter and unlawful. The Plan Commission by its Zoning Enforcement Officer may institute a suit for injunction in the Circuit Court of Allen County to restrain any person or governmental unit from violating any provision of this chapter and to cause such violation to be prevented, abated, or removed.

Such action may also be instituted by any property owner who may be especially damaged by the violation of any other provision of this Code by such action provided for by this section and any other provision of this Code shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

SECTION 3. Section 10 of Chapter 28A of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended, is hereby amended to read in part as follows:

Section 10. Same — Prerequisites to Approval Generally.

(2) (B). A protective covenant running with the land and enforceable by the City or by any approved lot owner in the subdivision which shall provide that for any lot or tract located within the subdivision may be used and occupied, such user or occupier shall first obtain from the Zoning Enforcement Officer of the City the improvement location permit required by Chapter 36, the issuance of which shall be subject to as an additional condition precedent thereof, either

SECTION 4. If any part, part, section, sections, provision, clause or portion of this Ordinance shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Ordinance as a whole or of any other part, section, clause, provision, or portion of this Ordinance.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and local publication thereof.

JOHN NUCKOLS, Councilman.

Read the third time in full and on motion by Nuckols, seconded by Hings, and duly adopted, placed on its passage, PASSED by the following vote:

Ayes: Eight  
S. Hings, S. Hings, Krous, Nuckols, D. Schmidt, V. Schmitt, Stier, Talorice.

Read the third time in full and on motion by Nuckols, seconded by Hings, and duly adopted, placed on its passage, PASSED by the following vote:

Ayes: Eight  
S. Hings, S. Hings, Krous, Nuckols, D. Schmidt, V. Schmitt, Stier, Talorice.

Read the third time in full and on motion by Nuckols, seconded by Hings, and duly adopted, placed on its passage, PASSED by the following vote:

Ayes: Eight  
S. Hings, S. Hings, Krous, Nuckols, D. Schmidt, V. Schmitt, Stier, Talorice.

Ways: None  
Absent: One  
Moses

Date: 11-13-73

CHARLES W. WESTERMAN, City Clerk.  
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-28-73 on the 13th day of November, 1973.

ATTEST: CHARLES W. WESTERMAN, City Clerk.  
SAMUEL J. TALORICE, Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of November, 1973, of the hour of 10:00 o'clock A.M., E.S.T.

CHARLES W. WESTERMAN, City Clerk.  
Approved and signed by me this 14th day of November, 1973, at the hour of 4:00 P.M., E.S.T.

IVAN A. LEBAMOFF, Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full and complete copy of General Ordinance No. G-28-73 passed by the Common Council on the 13th day of November, 1973 and that said Ordinance was duly signed and approved by the Mayor on the 14th day of November, 1973 and now remains on file and on record in my office.

Witness my hand, and the official seal of the City of Fort Wayne, Indiana, this 14th day of November, 1973.

CHARLES W. WESTERMAN, City Clerk.

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**Common Council, City Fort Wayne**  
(Governmental Unit)To JOURNAL-GAZETTE Dr.Allen County, Ind.FORT WAYNE, INDIANA**PUBLISHER'S CLAIM****LINE COUNT**Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)  
—number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

11732175**COMPUTATION OF CHARGES**175 lines, 1 columns wide equals 288¢ equivalent lines at 288¢ cents per line\$ 50.40

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) (2)1.00

TOTAL AMOUNT OF CLAIM

\$ 51.40**DATA FOR COMPUTING COST**Width of single column 11 emsSize of type 5 1/2 pointNumber of insertions twoSize of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date 11-30-73, 1973Title CLERK**PUBLISHER'S AFFIDAVIT**State of Indiana  
County of Allen } as:Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of theJOURNAL-GAZETTEa DAILY newspaper of general circulation printed and publishedin the English language in the city of FORT WAYNE, INDIANAin state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time, the dates of publication being as follows:November 23 and 30, 1973Subscribed and sworn to before me this 30th day of November 1973My commission expires March 31, 1974

SA of Fort here: a Ap- ing the r in else thin co- just Or- co- ca- of- as client

Days: None  
Absent: One  
Moses  
Date: 11-13-73

CHARLES W. WESTERMAN, City Clerk  
Presented and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-2873 on the 13th day of November, 1973.

ATTEST: (SEAL) CHARLES W. WESTERMAN, City Clerk  
SAMUEL J. TALARICO, Presiding Officer  
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of November, 1973, at the hour of 10:00 o'clock A.M.; E.S.T.

CHARLES W. WESTERMAN, City Clerk  
Approved and signed by me this 14th day of November, 1973, at the hour of 4:00 P.M.; E.S.T.

IVAN A. LEBANOFF, Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-2873 passed by the Common Council of the City of Fort Wayne, Indiana, and that said Ordinance was duly signed and approved by the Mayor on the 14th day of November, 1973 and the official seal of the City of Fort Wayne, Indiana, this 14th day of November, 1973.

CHARLES W. WESTERMAN, City Clerk.

11-23-30

Notary Public  
March 31, 1974